

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICHARD BRYAN ARMAS,

Plaintiff,

v.

J. HIGHBERGER,

Defendant.

Case No.: 6:24-cv-00272-SB

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation in this case, ECF [28], on February 25, 2025. Judge Beckerman recommended that this Court dismiss plaintiff's petition for writ of *habeas corpus* with prejudice and decline to issue a certificate of appealability. No party has filed objections.

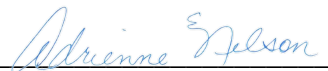
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Beckerman's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Beckerman's Findings and Recommendation, ECF [28]. Plaintiff's Petition for Writ of Habeas Corpus, ECF [1], is DENIED, and this case is DISMISSED with prejudice. The Court DECLINES to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 24th day of March, 2025.



Adrienne Nelson
United States District Judge